

**MINUTES OF THE OPEN SESSION
OF THE RHODE ISLAND ETHICS COMMISSION**

December 13, 2011

The Rhode Island Ethics Commission held its 17th meeting of 2011 at 9:00 a.m. at the Rhode Island Ethics Commission conference room, located at 40 Fountain Street, 8th Floor, Providence, Rhode Island, on Tuesday, December 13, 2011, pursuant to the notice published at the Commission Headquarters, the State House Library, and electronically with the Rhode Island Secretary of State.

The following Commissioners were present:

Ross Cheit, Chair Frederick Butler

Deborah M. Cerullo SSND, Vice Chair John D. Lynch, Jr.*

J. William W. Harsch, Secretary Edward A. Magro

James V. Murray

Also present were Edmund L. Alves, Jr., Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Staff Attorneys Jason Gramitt and Nicole B. DiLibero; and Commission Investigators Steven T. Cross and Peter J. Mancini.

At 9:03 a.m. the Chair opened the meeting. The first order of business was a motion to approve minutes of the Open Session held

on November 8, 2011. Upon motion made by Commissioner Cerullo and duly seconded, it was

VOTED: To approve minutes of the Open Session held on November 8, 2011.

ABSTENTIONS:James V. Murray; Frederick Butler.

The next order of business was advisory opinions. The advisory opinion was based on a draft advisory opinion prepared by the Commission Staff for review by the Commission and was scheduled as an item on the Open Session Agenda for this date. The advisory opinion was that of:

Anthony Ricci, the Chief Rider Coach Trainer for the Motorcycle Safety Program at the Community College of Rhode Island (“CCRI”), a state employee position, requesting an advisory opinion regarding whether his private business may enter into a driver retraining contract with CCRI, for which his business was the sole responsive bidder, given that he is a CCRI employee.

Staff Attorney Gramitt presented the Commission Staff recommendation. The Petitioner was present. The Petitioner informed the Commission that he was the sole responsive bidder and the only driver re-training provider in the State of Rhode Island. In response to Commissioner Cheit, the Petitioner stated that he is a

driving expert/field expert who speaks nationally to individuals regarding driving and vehicle dynamics. The Petitioner stated that he is a part-time employee of CCRI and, on two occasions, he provided information to a Committee developing the driver retraining program curriculum relative to changing the behavior of speeders through the use of hands on training. He noted that other experts also contributed information to the Committee relative to how the driving habits of repeat offenders might be changed. In response to Commissioner Harsch, the Petitioner stated that he did not know whether the Committee was aware that he was the only provider of driver re-training in the State of Rhode Island. He also stated that he did not know whether the Committee was aware that others outside of the State of Rhode Island could be qualified to provide the training. The Petitioner further stated that he did not advise the Committee that he was the only provider of driver retraining in the State of Rhode Island at the time he presented information to them.

***Commissioner Lynch arrived at 9:10 am.**

Upon motion made by Commissioner Butler and duly seconded by Commissioner Murray, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Anthony Ricci, the Chief Rider Coach Trainer for the Motorcycle Safety Program at CCRI.

The next order of business was a motion to add an item to the Executive Session agenda. Upon motion made by Commissioner Cerullo and duly seconded by Commissioner Murray, it was unanimously

VOTED: To add an item to the Executive Session agenda, a discussion regarding litigation, Larisa v. Rhode Island Ethics Commission, et al., C.A. No. P.C.2011-6938.

The next order of business was a motion to go into Executive Session. Upon motion made by Commissioner Cerullo and duly seconded by Commissioner Butler, it was unanimously

VOTED: To go into Executive Session pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4), to wit:

a) Motion to approve minutes of Executive Session held on November 8, 2011, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

b) In re: Stephen A. Furtado, Complaint No. NF2011-18, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

c) Discussion of Litigation, Larisa v. Rhode Island Ethics Commission, et al., C.A. No. P.C. 2011-6938, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

The Commission reconvened in Open Session.

Upon motion made by Commissioner Harsch and duly seconded by Commissioner Lynch, it was

VOTED: To approve the minutes of Executive Session held on November 8, 2011.

ABSTENSIONS: James V. Murray and Frederick Butler.

The next order of business was a motion to seal the minutes of the December 13, 2011 Executive Session. Upon motion made by Commissioner Butler and duly seconded, it was

VOTED: To seal the minutes of the December 13, 2011 Executive Session.

Chair Cheit reported that the Commission took the following actions in Executive Session: 1) unanimously found that probable cause exists in the matter of In re: Stephen Furtado, Complaint No. NF2011-18; and 2) discussion of litigation, Larisa v. Rhode Island Ethics Commission, et al., C.A. No. P.C. 2011-6938.

The next order of business was an Education Update. Staff Attorney Gramitt reported an overview of the training provided during the past year to various agencies including Bristol Police Department,

Providence Police Department, Rhode Island State Police, Kent County Bar Association, Rhode Island State Council on Arts, Department of Labor Board Members, all employees at Rhode Island Resource Recovery Corporation, Department of Administration, House of Representatives, Treasury Department, Rhode Island Lottery, Providence Housing Authority, Providence Law Department as well as many others. Staff Attorney Gramitt also discussed the recent COGEL conference which he attended and shared some of the emerging trends in ethics enforcement.

The next order of business was the Director's Report. Executive Director Willever reported that there are ten complaints pending, two advisory opinions pending and one matter in litigation. He reported also that three APRA requests have been fulfilled since the last meeting.

The next order of business was a discussion of the 2012 Regulatory Agenda. Staff Attorney Gramitt reported that the proper public notice has been provided relative proposed rule-making on Regulation 36-14-5002 and Regulation 36-14-5009. Public hearings to consider the proposed amendments shall be held on January 10, 2012.

The next order of business was a review and approval of the tentative 2012 Commission meeting schedule. A concern was expressed regarding the tentative November 20, 2012 meeting. Executive Director Willever advised that he would review the calendar to select

the appropriate date for the November meeting.

The next matter was New Business. There being no New Business, at approximately 10:10 a.m., upon motion made by Commissioner Lynch and duly seconded, it was unanimously

VOTED: To adjourn.

submitted,

Respectfully

Harsch

J. William W.

Secretary